

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL DAVID HAWK,

Petitioner,

v.

Case No. 07-C-967

STATE OF WISCONSIN,

Respondent.

ORDER

Pro se petitioner / plaintiff Daniel David Hawk has filed a complaint on this court's general *pro se* complaint form. It appears from the complaint that Hawk is bringing a habeas corpus petition challenging a criminal conviction; it further appears that Hawk is no longer in state custody, although it seems likely from his public records that Hawk is on probation, which suggests habeas relief under § 2254 is still available. 28 U.S.C. § 2254 (the petitioner must be "in custody").

In any event, it is clear that the complaint does not provide enough information for this court to conduct any sort of meaningful preliminary review. Rule 4 of the Rules Governing Section 2254 Cases requires a district court to conduct an initial review of the petition, which implies that the petition must itself contain something – arguments or claims of error – that is reviewable. Rule 2 makes this explicit, specifying that the petition must identify all grounds for relief and state the facts supporting each ground. Petitioner is therefore instructed to re-file his complaint as a habeas corpus petition under 28 U.S.C. § 2254 on the form this court will provide; the filing fee for a habeas

corpus action is only \$5, and it appears from Hawk's motion to proceed *in forma pauperis* that he should be able to afford that fee. The motion to proceed *in forma pauperis* is therefore **DENIED**.

The complaint is **DISMISSED**, but the petitioner may refile his § 2254 petition within 21 days on a form that the clerk of court will provide to him.

SO ORDERED this 1st day of November, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge